

## Chapter 210 Sign Code

210-1	TITLE .....	4
210-2	PURPOSE .....	4
210-3	SCOPE OF REGULATIONS .....	4
210-4	RULES AND DEFINITIONS .....	4
A.	Rules of Interpretation .....	4
B.	Regulations .....	5
C.	Definitions .....	5
210-5	PERMIT REQUIRED .....	9
A.	No Permit for Maintenance .....	9
B.	No Assignment or Transfer .....	9
C.	Electrical Permit Required.....	10
210-6	EXEMPT SIGNS .....	10
A.	Addresses.....	10
B.	Open/Closed Signs .....	10
C.	Bulletin Boards .....	10
D.	Business Nameplates .....	10
E.	Cornerstone Signs.....	10
F.	Flags and Standards .....	10
G.	Historic Markers .....	10
H.	Home Occupations .....	11
I.	Interior Signs .....	11
J.	Model Home Signs .....	11
K.	Open House Signs .....	11
L.	Political or Campaign Signs .....	12
M.	Real Estate Sign.....	11
N.	Site Information Signs.....	11
O.	Traffic and Regulatory Signs.....	13
210-7	PROHIBITIONS .....	12
A.	Obscene Messages.....	12
B.	Location .....	12
C.	Construction over Public Property. ....	14
D.	No Utility Pole or Tree Mounting .....	14
E.	Prohibited Sign Types. ....	13
F.	Removal.....	14
210-8	GENERAL STANDARDS.....	13
A.	Allowable areas for signs. ....	13
B.	Identification.....	14
C.	Commercial Message Location .....	14
D.	Interchangeable Noncommercial Messages .....	14
210-9	AREA AND CALCULATION STANDARDS .....	14
A.	The following methods may be used to determine the amount of permitted signage.....	14
B.	Allocation of sign area to sign types .....	15
C.	Measurement of Individual Sign Area.....	15
210-10	PERMITTED SIGN TYPES .....	15
A.	Wall Signs.....	15
B.	Monument Signs.....	16

C.	Permanent Window Signs .....	17
D.	Variable Message Boards (VMB) .....	17
E.	Marquee Signs .....	18
F.	Canopy and Awning Signs .....	18
G.	Mobile Signs.....	18
H.	Subdivision Monument Signs.....	19
I.	Rummage, Garage and Yard Sales.....	20
J.	Agricultural Sales.....	20
210-11	MASTER SIGN PROGRAMS.....	20
A.	Development Subject To .....	20
B.	Application .....	20
C.	Approval Limitations.....	20
D.	Plan Commission Review and Approval.....	21
E.	Program Components.....	21
F.	Review Criteria.....	21
G.	Permitted Signs.....	22
H.	Authorized Special Exceptions.....	23
210-12	SPECIAL SIGN DISTRICTS .....	23
A.	District Designation; Special Circumstances Required.....	23
B.	Initiating a District.....	23
C.	Plan Commission Recommendation.....	24
D.	Common Council Action.....	24
210-13	RESERVED FOR SPECIAL SIGN DISTRICTS .....	24
210-14	ADMINISTRATION AND PERMIT ISSUANCE.....	24
A.	Building Inspector .....	24
B.	Permit Approval Procedure .....	24
C.	Permit Application.....	26
D.	Mobile Sign Permit Applications .....	27
E.	Fee Schedules .....	27
F.	Pre-Installation Inspection.....	28
G.	Final Inspection .....	28
H.	One Year Deadline .....	28
I.	Denial or Revocation.....	28
210-15	DESIGN, CONSTRUCTION AND SAFETY SPECIFICATIONS .....	28
A.	Wind Pressure, allowable stresses and materials.....	29
B.	Lighting Glare.....	29
C.	Support.....	29
D.	Illuminated Signs.....	29
E.	Obstruction of Exits.....	29
210-16	MAINTENANCE AND REMOVAL OF SIGNS.....	29
A.	Regular Inspections Authorized .....	29
B.	Maintenance and Repair .....	30
C.	Obsolete or Abandoned Signs .....	30
D.	Unsafe and Unlawful Signs .....	30
E.	Removal of Signs .....	30
F.	Penalty.....	32
210-17	NONCONFORMING SIGNS .....	31
A.	Legal Nonconforming Signs.....	31
B.	Unlawful Nonconformance .....	31
C.	Loss of Status .....	31

D.	Inventory of Existing Signs .....	32
E.	Continuing Obligation .....	32
210-18	APPEALS .....	32
A.	Notification to Aggrieved Party .....	32
B.	Petition for Appeal.....	32
C.	Transmittal of Record.....	33
D.	Effect of Appeal.....	33
E.	Action of the Board .....	33
F.	Maintenance of Records .....	33
210-19	VARIANCES .....	33
A.	Purpose .....	34
B.	Procedure .....	35
210-20	REVOCATION FOR CAUSE .....	34
210-21	PENALTY .....	34
A.	Penalties established. ....	34
B.	Cumulative violations.....	34
C.	Penalties not limited. ....	34
210-22	SEPARABILITY .....	34
A.	Provision of Ordinance .....	34
B.	Any Particular Sign .....	34

### **§210-1. TITLE:**

This chapter will hereafter be known and cited as the “Sign Code” of the City of Franklin or herein “this chapter”.

### **§210-2. PURPOSE:**

It is declared that the regulation of signs within the City is necessary and in the public interest to safeguard life, health, property, safety, and public welfare. Toward that end, the provisions of this sign code are intended to:

Regulate the size, type, construction standards, maintenance and placement of signs situated within the boundaries of the City of Franklin.

Safeguard the general public from damage and injury that may be caused by the faulty and uncontrolled construction of signs within the City.

Discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public.

Preserve the beauty and the unique character of the City by aesthetically complementing the development that a sign identifies.

Protect property values within the City.

Promote a healthy and properly designed business environment.

Protect against hazards to vehicular traffic movement through improper placement of signs.

Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.

Reduce distractions and obstructions from signs that would adversely effect traffic safety and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way.

### **§210-3. SCOPE OF REGULATIONS:**

Except as otherwise regulated herein, the regulations of this chapter govern all outdoor signs, signs visible to the outdoors, and advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance. All outdoor signs, signs visible to the outdoors, and advertising structures or devices are prohibited unless expressly permitted.

### **§210-4. RULES AND DEFINITIONS:**

The definitions noted below apply only to this chapter and, for the purpose of this chapter, supersede any conflicting definitions found elsewhere in other chapters of the Municipal Code. Where not defined herein, common dictionary definitions apply.

#### **A. Rules of Interpretation:**

The language set forth in the text of this chapter is interpreted in accordance with the following:

1. Words importing the singular include the plural and words importing the plural include the singular..
2. The present tense includes the past and future tenses, the future tense includes the past and present tenses, and the past tense includes the present and future tenses.
3. The words “will”, “shall” and “must” are mandatory, while the word “may” is permissive.

4. The masculine gender includes the feminine and neuter genders; the feminine gender includes the masculine and neuter genders; and the neuter gender includes the masculine and feminine genders.

**B. Regulations:**

To the extent that any definition below includes regulatory standards, such as height or area limitations, for example, such regulations apply in addition to all others contained in this chapter.

**C. Definitions:**

The following words and terms, wherever they occur in this chapter, are defined as follows:

**ABANDONED SIGN:** Any sign which is so old, dilapidated or has become so out of repair so as to be dangerous, unsafe, unsightly or structurally unsound.

**ADVERTISING STRUCTURE:** A structure, as defined by the Building Code, erected or used for the purpose of supporting or displaying a message or sign.

**ARCHITECTURAL ELEMENT:** A prominent or significant part or feature of a building, structure, or site.

**ARCHITECTURAL INTEGRITY:** The composite or aggregate of the characteristics of structure, form, materials, and function of a building, group of buildings, or other architectural composition.

**AWNING:** Any structure entirely supported by the wall to which it is attached, which does not project over public property, and which may have either retractable or a fixed frame, covered by non rigid material, such as fabric or vinyl.

**AWNING SIGN:** A sign that is or located on, incorporated in, or attached to an awning.

**BANNER SIGN:** Any sign intended to be hung either with or without frames and possessing sign content applied to paper, plastic, fabric or similar flexible material of any kind, except such sign qualifying as a window sign. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be regulated as banner signs for the purpose of this chapter.

**BILLBOARD:** Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted therein, or for the affixment, attachment or support of printed posters or other advertising matter, and constructed, erected and located on any premises or attached to a wall or placed on a roof of a building or structure now owned or occupied by the person for whose use such billboard is constructed, erected, located or attached, and when used for purposes other than advertising, the business conducted on such premises or in such building or structure; also, such outdoor advertising constructed, erected and located as aforesaid used for the purpose of advertising the business conducted on premises or in a building or structure shall be deemed a sign.

**BUILDING INSPECTOR:** The City of Franklin Building Inspector and those City of Franklin Inspection Department employees designated in writing by the Building Inspector.

**BULLETIN BOARD:** A sign that identifies an institution or organization on whose premises it is located and which contains the name of the institution or organization and/or message in movable letters of two inches (2") or less in height.

**BUSINESS ENTITY:** An organization that possesses a separate existence for tax purposes. Some types of business entities include corporations and foreign corporations, business trusts, limited liability companies, and limited partnerships.

**CANOPY:** Any permanent exterior roof structure that extends over, or is suspended above, any thoroughfare, and which is attached to a building at the inner end and supported on the outer end in conformance with the Building Code of the City of Franklin. “Canopy” as defined herein, does not include gas station canopies.

**CANOPY SIGN:** A sign that is incorporated in a canopy.

**CITY:** The City of Franklin, Wisconsin.

**COMMERCIAL MESSAGE:** A message placed or caused to be placed before the public that:

1. Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
2. Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

**COMMON COUNCIL:** The Common Council of the City of Franklin, Wisconsin.

**COMPATIBLE:** The characteristic of appearance of two (2) or more buildings, structures, or architectural elements in the same vicinity that produces an aesthetically pleasing whole.

**CONSTRUCTION SIGN:** A sign identifying a business, corporation or persons involved in designing, planning, constructing, wrecking, financing, or developing the premises where the sign is posted.

**DIRECTORY SIGN:** A sign used to indicate the name and/or address of the occupants of a premise accommodating multiple occupants.

**ELECTRONIC MESSAGE:** A type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process.

**ERECT:** To build, construct, attach, hang, re-hang, suspend, place, affix, enlarge, substantially alter, post, display, or relocate and includes the painting of lettering or graphics for signs. Normal maintenance is not included within this definition.

**EXTERIOR:** The outer part or surface of a building, such as a wall or window, which is exposed to outside environmental elements.

**EXTERNAL ILLUMINATION:** Illumination of a sign that is produced by an artificial source of light that is not contained within the sign itself.

**FREESTANDING SIGN:** Any sign that is erected such that it is detached from a building or structure.

**IDENTIFICATION SIGN:** A sign or structure that is used to identify the development which includes the name and/or address and may incorporate the development’s logo, graphic, or image.

**INCORPORATED IN:** includes incorporated on, incorporated into, erected upon, mounted to, painted on, affixed to, applied to, constructed within or as part of, or represented directly or indirectly upon.

**INSTITUTION:** An established organization or corporation of a public or eleemosynary character.

**INTERNAL ILLUMINATION:** Illumination of a sign that is produced by a source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.

**LINEAL FOOT OF BUILDING:** The shortest distance or width of each individual façade of a building measured on a straight line.

**MASTER IDENTIFICATION SIGN:** A freestanding sign which identifies a MTCC, as defined in this section, or center.

**MASTER SIGN PROGRAM:** The establishment of an identification program for any multitenance operation within the City, including, but not limited to, office parks, industrial parks and multitenance office and retail buildings. The intent of a Master Sign Program is to give a uniform theme of size, color and style to signs in such a development. Each sign covered by a Master Sign Program must be permitted separately.

**MAINTENANCE:** Replacing or repairing of a part or portion of a sign dilapidated or made unusable by ordinary wear, tear, or damage, including that beyond the control of the owner. Maintenance includes, but is not limited to, replacement of defective parts, painting, cleaning, reprinting or reconstituting of existing sign content without changing said content, and other acts required to preserve the sign or restore it to its originally permitted and installed condition.

**MARQUEE:** Any hood or canopy of permanent construction supported entirely by the building, and projecting from the building's wall over a sidewalk or pedestrian thoroughfare, constructed for the purpose of permanently supporting a variable message board.

**MARQUEE SIGN:** A sign permanently attached to and supported by a marquee, having all or a portion of its sign area comprising a variable message board.

**MOBILE SIGN:** Any sign or billboard which lacks parts making it stationary or which is not stationary.

**MONUMENT SIGN:** A permanent, freestanding sign having a solid appearance, consisting of a face and base. The width of the base must be at least 1/2 the width of the widest part of the sign face. The base must be constructed with stone, decorative concrete, brick or other durable and aesthetically pleasing materials in keeping with the architectural integrity of the building the sign is representing. The monument sign sign content area must be attached in a continuous fashion to a proportionate base. Monument signs have no exposed supports other than the base itself.

**MULTIPLE TENANT COMMERCIAL CENTER (MTCC):** A commercial development that contains a number of separate commercial activities in which there are appurtenant facilities, such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a MTCC may, but need not, include common ownership of the real property upon which the center is located, common wall construction and multiple-occupant commercial use of a single structure. For the purpose of this chapter, MTCC's also include separate parcels sharing common walls and facilities, but not necessarily common owners. MTCC's can be office, retail or mixed use in character.

**NAMEPLATE:** A plate or plaque bearing a name incorporated into a facade.

**NONCOMMERCIAL MESSAGE:** Any message that is not a commercial message.

**OBSOLETE SIGN:** Any sign which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued or is located on property which is vacant and unoccupied.

**OCCUPANCY:** That portion of a building or premises which is leased, owned, or otherwise controlled solely by an occupant and in which that occupant has a tangible presence in the form of a business, institution, residence, or similar use or inhabitation.

**OCCUPANT:** Any one of the following:

A household inhabiting a dwelling unit, or

An institutional, business, commercial or industrial endeavor that inhabits a distinguishable portion of a building or premises such that:

The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.

**PARALLEL:** As used herein, shall not be restricted to a strict geometric interpretation and shall include a generally in-line orientation with a degree of juxtaposition less than that which would qualify the sign as a projecting sign.

**PERMANENT SIGN:** A sign that is solidly mounted or permanently affixed.

**PERMIT HOLDER:** That person designated on the application for a sign permit as being responsible for assuring sign maintenance and operation in conformance with the ordinance and the permit.

**PERSON:** Any natural person, firm, partnership, association, corporation, company, institution, or organization of any kind.

**PLACES OF ENTERTAINMENT:** A business establishment, club, or institution that maintains a regular schedule of performing arts events. Restaurants without such live entertainment schedules are not included within this definition.

**PLAN COMMISSION:** The Plan Commission of the City of Franklin, Wisconsin.

**PREMISES:** A parcel, or contiguous parcels, of land including related building or buildings, distinguishable from surrounding parcels and buildings by use. A building and grounds that contains many separate occupancies is still classified as a single premises. Several buildings and associated parcels of land may in fact be a single premise if their use is unified.

**PROPRIETOR:** An individual who owns or operates a business that is wholly separate and distinguishable from other business entities on the premises, and not merely a part of a larger business entity.

**REAL ESTATE SIGN:** A sign pertaining to the sale or lease of the premises or portion of the premises on which the sign is located or to the sale or lease of one or more structures or a portion thereof located thereon.

**ROOF SIGN:** A sign constructed, erected and maintained on or above the roof of a building or structure.

**SANDWICH BOARD:** A two-sided portable sign constructed of wood, cardboard or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

**SHINGLE SIGN:** a sign used to identify a business whose front is under a roof overhang, covered walkway, covered porch, or open lattice walkway.

**SIGN:** Any device for visual communication, including the structure which supports it, except for a wall of a building, or sign content that is incorporated in a building, structure, or piece of land where the device or sign content attracts or directs the attention of the public to an object, product, place, activity, concept, thought, person, institution, organization, or business, and where the display of the device or sign content is visible beyond the boundaries of the property upon which the display is made



or, in the case of a MTCC or condominium development, is visible from out-of-doors. The term “sign” shall not include any flag, badge, or insignia of the United States, the state of Wisconsin, Milwaukee County, or the City of Franklin; City-installed banners and decorations including those located in the public right-of-way; and tablets, grave markers, headstones, statuary, or monuments of persons or events that are noncommercial in nature.

**SIGN AREA:** Sign area is the total area enclosed within a continuous perimeter created by the rectangle with the least amount of area necessary to enclose the limits of the device comprising the sign or the sign content..

**SIGN CONTENT:** The visual image of a sign comprising the name, identification, description, message, illustration, characters, lettering, symbols, logos, insignia, graphics, ornamentations, figures, and color or a painted, non-structural background and/or boarder used as an integral part of the display or to differentiate the area containing the above described content from the background on which it is placed.

**SIGN FACE:** The sign area of a single sign that may be read from any one location as seen from the ground.

**SUBDIVISION MONUMENT SIGN:** A monument sign used for the identification of a subdivided area.

**TIME AND TEMPERATURE DEVICE:** Any mechanism that displays the time and/or temperature, but does not display any advertising or establishment identification.

**VARIABLE MESSAGE BOARD (VMB):** A sign that may be manual, electronic or electrically controlled, capable of showing a series of different messages in sequence.

**WALL SIGN:** A sign incorporated in the facade of any building with the sign face parallel to the building facade.

**WINDOW AREA:** The glazed area on a facade through which the interior of a premises may be viewed from outside.

**WINDOW SIGN:** Any sign placed inside or upon a window facing or generally facing the outside of a building and which is intended to be or is equally or principally seen from the exterior of the building. Signs displayed on glass panels which are integral to exterior doors of the building will be considered to be window signs for purposes of this chapter. Product placements visible through windows are not window signs.

## **§210-5. PERMIT REQUIRED:**

Except for certain signs identified as exempt under section 210-6. of this chapter, no "sign", as defined herein, shall be constructed, installed, erected, originally painted, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded until a permit for such sign has been obtained in accordance with the standards and procedures set out in this chapter. (See also section 210-14. pertaining to Administration and Permit Issuance)

### **A. Permit for Maintenance:**

No permit is required for maintenance of a "sign" as defined herein.

### **B. Assignment or Transfer:**

No permit issued hereunder may be assigned or transferred to any other person.

C. Electrical Permit Required:

In addition to the required sign permit, a permit from the Electrical Inspector under Chapter 118, Electrical Standards, §118-23. of the Municipal Code must be obtained for electrically illuminated signs.

**§210-6. EXEMPT SIGNS:**

The following signs are exempt from the requirement to obtain a permit, from the limitation on items of information, General Standards per Section 210-8, and from the requirement that all freestanding signs be monument signs, but are subject to the other provisions of this chapter and must comply with Section 210-7. Prohibitions.

A. Addresses:

Address numerals and other sign information required to identify a location by law or governmental order, rule, or regulation. Such address information cannot exceed two (2) square feet per officially assigned address, or the size required by the law, order, rule or regulation, whichever is greater.

B. Open/Closed Signs:

Open/Closed signs regarding hours of operation and/or “open” and “closed,” or other such similarly intended text, that individually or in aggregate do not exceed four (4) square feet and that are placed or hung on or affixed to a door or window of a business entity. These are exempt from inclusion in the 10% regulations for window signs.

C. Bulletin Boards:

Bulletin boards, not exceeding twelve (12) square feet for public, charitable, or religious institutions where the bulletin board is located on the premises of said institution.

D. Nameplates:

Nameplates denoting the property owner or business name of an occupation legally conducted on the premises, provided that only one nameplate per business entity or property owner may be erected and that such nameplate not exceed two (2) square feet.

E. Cornerstone Signs:

Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure denoting the name of that structure and its date of erection and not exceeding four (4) square feet.

F. Flags and Standards:

Flags, standards, banners, or emblems representing the United States, State of Wisconsin, County of Milwaukee, or City of Franklin including flags with emblems or insignia of other governmental, political, civic, philanthropic, religious or educational organizations, provided the flag contains no other sign content.. Flags, as exempted herein, shall include the standard or pole necessary to support the flag provided the standard or pole may not exceed eighteen (18) inches in circumference without the written approval of the Department of City Development.

G. Historic Markers:

Commemorative plaques, memorial tablets, or emblems of official historical bodies, provided they do not exceed four (4) square feet in size and are placed flat against a building, monument stone, or other permanent surface.

H. Home Occupations:

One sign or name plate on each premises in a residential district having an approved and permitted Home Occupation, provided the sign or name plate is not more than six (6) square feet in area.

**I. Interior Signs:**

Signs located in the interior of a premise that are visible beyond the boundaries of the property upon which the display is made or, in the case of a MTCC, are visible from out-of-doors but that are exclusively oriented to persons within that premises and are not and are not intended to be equally or principally visible from out-of-doors.

**J. Model Home Signs:**

One Sign per residential plat not exceeding six (6) square feet identifying an unoccupied dwelling unit used as a demonstrator for selling or renting other dwelling units on the same plat.

**K. Open House Signs:**

Signs, not exceeding six (6) square feet in area, which advertise a sale or rental of a dwelling unit or a model home open for inspection, on the subject property. Open house signs may not be located in the public right-of-way or be directly illuminated. They may only be in place when the related premise is actually open for inspection.

**L. Political or Campaign Signs:**

Signs promoting candidates for public office, political parties, or issues on election ballots which do not exceed sixteen (16) square feet in area on residential property or thirty-two (32) square feet in area on non-residential property and which are posted on private property during the election campaign period to which they pertain and which are removed no more than seven (7) days after the election. Political or campaign signs may not be located in the public right-of-way.

**M. Real Estate Sign:**

One real estate sign per street frontage of a dwelling or business entity, advertising the sale or lease of that premises. Such signs shall not be located in the public right of way, nor be illuminated. They shall not exceed six (6) square feet in area if located in a residential zoning district or thirty-two (32) square feet in area if located in a commercial or industrial district.

**N. Site Information Signs:**

Signs of no more than six (6) square feet in area which, without advertising reference, provides direction to or instruction concerning facilities intended to serve the public, including, but not specifically limited to, restrooms, public telephones, walkways, traffic flow or directions, parking restrictions, and features of a similar nature. An approved Master Site Plan of an MTCC may allow de minimis reference to the MTCC or center.

**O. Traffic and Regulatory Signs:**

Signs of a duly constituted governmental body, including traffic signs or other similar regulatory devices, directional signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs pertaining to health, hazards, parking, swimming, dumping, and other emergency or non-advertising matters.

**P. Temporary Window Signs:**

Window Signs per 210-10 C. that are not Permanent Window Signs as set forth therein shall not require a permit but shall be subject to all other requirements of this chapter.

Q. Construction Signs.

1. Construction signs shall be not more than four square feet in area per contractor, subcontractor, architect, business entity structure under construction, or lending institution and may be freestanding. Such signs may be single or double-faced.
2. Construction signs may not exceed six feet in height.
3. All contractor signs may be consolidated on one sign, the area of which consolidated sign is to be calculated at four square feet per contractor, subcontractor, architect, business entity structure under construction, or lending institution listed, to a maximum area of twenty-four (24) square feet.
4. Construction signs must be removed within seven days from the first occupancy of the premises. The Building Inspector shall have the authority to cause such signs to be removed or may remove such signs without notice upon issuance of the occupancy permit or, in the case of an MTCC, the issuance of occupancy permits covering eighty percent (80%) of the square footage of the buildings of the MTCC constructed or then currently under construction.

**§210-7. PROHIBITIONS: (See 210-16.D.2. regarding enforcement and authority to remove)**

A. Obscene Messages:

No sign is permitted to contain statements, words, or pictures of an obscene, pornographic, or immoral character.

B. Location

1. Right-of-Way

- (a) Signs are prohibited within any street, highway, or other public right-of-way.
- (b) This prohibition does not apply to traffic and regulatory signs or official (government authorized) flags or banners.

2. Site Visibility

- (a) No sign shall be located so as to obstruct free and clear vision of or by any traveler upon any public or private way.
- (b) No sign may interfere with, or obstruct the view of, or be installed such that it may cause confusion with any traffic or regulatory sign, signal, or device.

(c) Vision Triangles

Except traffic and regulatory signs, no sign may be located between the heights of two and one-half (2.5) feet and ten (10) feet above the plane through the mean curb grades, or edge of pavement where there is no curb, and within the vision triangle. The vision triangle is the triangular space formed by measuring from the point of intersection of two streets along each property line the distance identified below and then drawing a line connecting the two points along the property lines. "Streets" as used in this section shall include public streets and private roads or drives. The legs of each vision triangle shall be the length as set forth below:

- 1] Private drive intersecting another private drive or local street – 20 feet;

- 2] Private drive intersecting collector/arterial street – 30 feet;
- 3] Local street intersecting another local street or a collector/arterial street – 30 feet;
- 4] Collector/arterial street intersecting another collector/arterial street – 60 feet.

3, No portion of a sign shall extend beyond the lot line of the property on which it is located.

- C. Signs, except shingle signs in compliance with this Chapter, are prohibited from projecting more than twelve (12) inches over any public right-of-way, sidewalk, public street, public alley, or other public place.
- D. No signs shall be affixed to utility poles or utility posts, trees, or other vegetation, except public utility warning signs owned by the utility, except traffic and regulatory signs and except when the utility pole or utility post is located in the right-of-way wherein signs may be installed in accordance with 210-7.B.1.(b).

#### E. Prohibited Sign Types.

The following sign types are prohibited in any location in the city:

- 1. Billboards;
- 2. Roof signs;
- 3. Pennants, pinwheels, or streamers;
- 4. Banners and banner signs (except those which may be installed in the public right-of-way by the City);
- 5. Balloons and air or gas inflated devices, including those without sign content intended to attract or direct the attention of the public.
- 6. Devices that move by any means.
- 7. Vehicles and/or trailers with signs or affixed advertising that are parked on property, or regularly or repeatedly parked on public right-of-way, so as to be visible from a public right-of-way, where the apparent primary purpose is to advertise a product or direct people to a business or activity.
- 8. Sandwich Boards or other portable signs
- 9. Obsolete or Abandoned Signs
- 10. Signs that play, project, reproduce, or amplify sounds.

#### F. Confusion with Traffic and Regulatory Signs:

No sign shall make use of the words “stop,” “look,” “danger,” or other words, phrases, symbols, or characters in such a manner so as to interfere with, mislead, or confuse any traveler upon any public or private way.

### **§210-8. GENERAL STANDARDS:**

#### A. Allowable districts for signs.

- 1. Non-residential zoning districts. Signs are permitted in accordance with the terms of this code. Single-family and two-family homes located in other than residential zoning districts are limited to those signs allowed under the terms of section 210-6. Exempt Signs.

2. Residential zoning districts. No signs are permitted in residential zoning districts other than those allowed under the terms of subsection 210-10.H. Subdivision Signs and Section 210-6. Exempt Signs.

**B. Identification:**

All signs hereafter erected shall bear the manufacturer's name and the name of the erector.

**C. Commercial Message Location:**

1. A sign that displays a commercial message is permitted only on the premises where the business, profession, accommodation, commodity, service, entertainment, or other commercial activity represented on the sign is located.
2. Any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this chapter.

**D. Interchangeable Noncommercial Messages:**

Any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this chapter.

**§210-9. AREA AND CALCULATION STANDARDS:**

- A. The following methods shall be used to determine the maximum total area, expressed in terms of square footage, of allowable signing:

1. The Maximum Total Area of Allowable Signing for each building shall be determined using Table 210-9 and applying the listed requirements of this section.

<b><u>Table 210-9</u></b>		
<b><u>Factors for Calculating the Maximum Allowable Total Sign Area (Square Feet)</u></b>		
	Sign Factors	
Building Elevation or facade	Sign Area per lineal foot of building (First Floor)	Sign Area per lineal foot of building (Upper Floors)
First (Front) facade	1.5	1.5
Second (Side) facade	0.75 (a) (b)	0.75 (a)
Third (Side) facade	0.25 (a) (b)	0.25 (a)
Fourth (Rear) facade	0.05 (a) (b)	0.05 (a)

- (a) The maximum allowable total sign area for a property shall be calculated by summing the allowable total sign area for each qualifying floor, each of which is calculated by summing the products of each qualifying facade multiplied by the applicable sign factor indicated in Table 210-9.
- (b) For each qualifying floor, a qualifying facade is the first (front) facade and any facade where a wall sign shall continue to cover at least fifty (50) percent of the allowable area attributable to that facade.

- (c) Without approval of the Department of City Development, no floor may have wall signs with a total area that exceeds the sum of the products of each qualifying façade on that floor multiplied by the applicable sign factor indicated in Table 210-9..
- (d) The area of wall signs on any individual first floor façade may not exceed 1.5 square feet of area per foot of lineal building frontage.
- (e) The first floor is the floor of a building that is at or nearest to the level of the ground across the front of the building. A basement, any floor(s) below the first floor, shall not qualify for added area of signing. A split-level structure shall be considered as a one-floor building having only a first floor.

B. Allocation of sign area to sign types:

- (a) The maximum total area of allowable signing on any property may be apportioned to a maximum of two of the following sign types, unless further restricted by other code provisions or unless approved as part of a Master Sign Program: wall signs, monument signs, marquee signs, permanent window signs, and canopy and awning signs. Exempt signs are not considered in this determination.

C. Measurement of Individual Sign Areas:

1. Sign area is the total area enclosed within a continuous perimeter created by the rectangle with the least amount of area necessary to enclose the limits of the device comprising the sign.
2. The sign area of an individual sign is calculated only on the basis of the sign face(s) that can be seen at one time. On a multiple sided sign with opposite faces that cannot be read or observed simultaneously, only one of the faces is utilized for purposes of determining sign area.
3. Structural supports and bases without sign content are not included in calculating the sign area.

- D. Allocation of Area to Tenants: Unless otherwise set forth in a Master Sign Plan or stipulated in lease or ownership documents attached to the sign application, where multiple tenants share the same building, sign area shall be allocated to each tenant premises based upon the exterior walls associated with each tenant's premises and the resulting contribution to the maximum total area of allowable signing made by those exterior walls according to Section 210-9 A., less a proportional reduction due to sign area allocated to allowable signs other than wall signs.

## **§210-10. PERMITTED SIGN TYPES:**

A. Wall Signs:

1. Sign Colors:

(a) Multiple building developments:

Multiple building developments shall designate a single color selection or color pattern or scheme to be used for all buildings, which designation may be subject to approval by the City, in its sole discretion.

(b) Multiple tenant buildings:

Multiple tenant buildings shall designate a single color selection or color pattern or scheme to be used for each tenant space, which designation may be subject to approval by the City, in its sole discretion.

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- (c) Wall signs may contain trademarked, copy righted, or commonly and widely recognized corporate sign colors and logos owned by the tenant, subject to Plan Commission review and

approval considering the visual aesthetics, harmony of the development, and any other such factor the Plan Commission shall deem appropriate.

2. Illumination:

- (a) Illumination shall be achieved through internal illumination or shielded silhouette lighting.
- (b) Lighting where the light source is visible or exposed is not permitted.

3. Location:

- (a) Wall signs are limited to that portion of an exterior wall that is occupied by the individual tenant.
- (b) Wall signs shall not extend above or beyond the wall surface to which it is attached.

4. Projection from Wall:

No wall sign, illuminating device, or other portion of the sign shall project more than twelve inches (12") beyond the plane of the wall to which it is attached.

5. Installation Considerations:

- (a) Wall signs shall be installed to preserve the architectural integrity of the building. No wall sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations, or ornamental detailing.
- (b) When electrical raceways are used, the color of the raceway shall be consistent with the color of the building façade on which it is located.

B. Monument Signs:

1. Number:

No more than one monument sign shall be erected on each public street frontage of a property, except with the approval of the Plan Commission considering the effect upon the aesthetics of and visual harmony with the vicinity and considering any other such factor the Plan Commission shall deem appropriate.

2. Area:

The area of a monument sign shall not exceed one hundred twenty (120) square feet.

3. Location:

- (a) Monument signs shall not be closer than 500' to another monument sign.
- (b) Monument signs will be permitted to flank driveways, provided that the height of each sign shall not exceed six (6) feet in height and sixty (60) square foot in area, and also provided that the monument signs are within fifty (50) feet of the driveway.
- (c) When a building is set back less than thirty feet (30') from the property line, a monument sign shall not be permitted to be installed on that property frontage.
- (d) No part of any monument sign may be closer than three (3') feet to a lot line.
- (e) A monument sign may not be located so as to create an obstruction within the vision triangle as determined by and at the discretion of the Department of City Development.

4. Height:



The maximum sign height of a monument sign, including the base, shall not exceed fourteen feet (14') at the highest point of the sign. The maximum height of the sign base shall not exceed four feet (4'). The height of the sign shall be measured from the nearest adjacent road grade at the edge of the pavement to the highest point of the sign and/or supporting structure of the sign, excepting that under no circumstances shall the maximum height of a monument sign exceed eighteen (18) feet, measured from ground level at the base to the highest point of the sign..

5. Material and color compatibility:

The color scheme of monument signs must be consistent with the color scheme of the principal building, unless an alternate color scheme is required by an approved Master Sign Program.

C. Window Signs:

1. Area:

The sign area of window signs in any window may not exceed ten percent (10%) of that window area. Adjacent windows, separated only by window framing or mullions, shall be treated as one window for the purpose of area calculations. Glass panels which are integral to exterior doors will be considered to be windows for the purposes of this chapter.

2. Location:

Window signs shall be limited to the transparent glazed area of the window and shall not encroach upon the frame, mullions, or other supporting features of the window.

3. Permanent Window Signs

- (a) Permanent window signs shall have all sign content etched or incorporated on the glazing, including but not limited to painted, metal leafed, vinyl transferred, or in some other manner permanently applied to either side of the glass of an exterior building or window or door.
- (b) A permanent window sign may exceed the ten percent (10%) area restriction identified above provided the permanent window sign is considered a wall sign, a permit is obtained, the permanent window sign area is applied against the maximum total area of allowable signing, and the window and window area is no longer considered available for or applied against section 1. Area above.

D. Variable Message Boards (VMB):

1. Length of Cycle:

The total duration that each individual message is visible during each information cycle of a VMB shall not be shorter than thirty (30) seconds.

2. Brightness Adjustment:

VMB must adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

3. Sign Area:

The illuminated or message area of the VMB and any other portion of the VMB containing sign content shall be calculated as a portion of the maximum total area of allowable signing per Section 210-9.

4. Maintenance:

VMB shall be maintained so as to be able to display messages in a complete and legible manner.

E. Marquee Signs:

1. Number:

There shall not be more than one marquee sign on any building facade. Sign content on any of the vertical or nearly vertical faces of a marquee is included as a single marquee sign.

2. Area:

As per Section 210-9 B., the sign area of a marquee sign, including the illuminated or message displaying areas, shall be included within the calculation of maximum total area of allowable signing. Sign content on any of the vertical or nearly vertical faces of a marquee are calculated as a single marquee sign..

3. Location:

Sign content or a wall sign may be incorporated in any vertical or nearly vertical face of a marquee, as long as no portion of the sign content or wall sign falls above or below the face of the marquee.

4. Use of Marquee:

Marquee signs are only permitted for use on theaters, places of entertainment, and hotels.

F. Canopy and Awning Signs:

1. Commercial Message: Use of canopy or awning area for display of commercial messages is limited to the name, logo, and address of the business or businesses within the building upon which the awning or canopy is attached. Canopy or awning signs shall be flush to the face of the canopy or awning.

2. Area:

(a) The sign area of a canopy or awning sign shall not exceed fifteen percent (15%) of the area of the canopy or awning calculated as the height of the canopy or awning (difference between the highest and lowest point on the canopy or awning) multiplied by the length of the canopy or awning measured parallel to and along the facade upon which it is attached.

(b) As per Section 210-9 B., the sign area of a canopy or awning sign shall be included within the calculation of maximum total area of allowable signing. .

3. Location:

To preserve the architectural integrity of a building, no canopy or awning and no canopy or awning sign shall cover or interrupt significant architectural elements such as columns, column caps, friezes, door or window heads, embellishments, adornments, fenestrations, or ornamental detailing.

4. Illumination of Awnings and Canopies:

(a) Awnings and canopies may be illuminated to allow light to shine through the sign content.

G. Mobile Signs:

1. Number:

No more than three (3) permits for mobile signs will be issued for the same occupant of a property within one calendar year.

2. Area:

Mobile signs must not exceed thirty-two (32) square feet in sign area for each exposed face.

3. Location:

Mobile signs are limited to the property to which the special, unique, or limited activity, service, product, or sale is to occur. Mobile signs must take the form of wall signs or monument signs and shall conform to the location requirements of the respective sign type described elsewhere in this chapter. No mobile signs are permitted on vehicles.

4. Time Duration:

Mobile signs may be erected for a period not to exceed thirty (30) days.

5. Materials and Mounting Limitations:

All mobile signs must be anchored and supported in a manner that reasonably prevents the possibility of the signs becoming hazards to the public health and safety as determined by the Building Inspector.

H. Subdivision Monument Signs:

Subdivision monument signs are permitted for residential subdivisions or condominium developments and reviewed and approved by the Plan Commission in accordance with the following restrictions:

1. The maximum sign area is thirty- two (32) square feet, the maximum sign height is six feet (6') including a maximum base height of two feet (2'). Subdivision monument signs may be exempt from the height and area regulations, when approved by the Plan Commission.
2. Except as set forth with this Section H., Subdivision monument signs must be a monument sign as per Section B. above.
3. Subdivision sign maintenance shall be the obligation of the subdivision's homeowners' association, unless otherwise stipulated by the subdivision covenants, and in the absence thereof or failure to act by the association or other such obligated party, the subdivision lot owners, pro-rata; the maintenance and removal provisions of section 210-16. of this chapter shall apply to both the association and the lot owners.

I. Rummage, Garage, and Yard Sales:

Signs advertising private-owner rummage, garage, or yard sales are permitted and shall be exempt from this code when all of the following apply:

1. Sale is conducted by a private party or parties and not as part of or as a sales business;
2. Duration of each sale period is no longer than three consecutive days;
3. Signs may not be placed earlier than twenty-four hours prior to the opening of the sale;
4. Individual signs do not exceed sixteen square feet; and
5. Signs are removed upon the closing of the sale.

J. Agricultural Sales:

Signs advertising the sale of agricultural crops or plants grown by the person(s) selling the agricultural products are permitted and shall be exempt from this code.

K. Shingle Signs:

1. Shingle signs shall be allowed without the necessity of obtaining a permit; provided that any such sign is a part of a Master Sign Program and, provided further, that such sign is in compliance with all other applicable provisions of this chapter.
2. One shingle sign, with the size thereof limited as determined by the Master Sign Program, may be allowed for each business front and shall be adjacent to the business which it identifies.
3. The shingle sign shall be suspended from a roof overhang, covered walkway, covered porch or open lattice walkway. No part of a shingle sign shall extend beyond the edge of the overhang.

Signs placed parallel to the street may be attached to the fascia. A minimum clearance of six feet eight inches must be maintained between the bottom of the sign and the nearest grade or sidewalk. The size of a shingle sign may not exceed one square foot in area.

4. The shingle sign must display only the name of the individual business, building or building complex which it identifies.

**L. Menu Boards:**

Restaurants with a drive through pick up window may have a menu board displaying products and product pricing provided the menu board, including affixed and appurtenant advertising, does not exceed seventy (70) square feet when measured as a single sign and provided the drive through window is approved by the Plan Commission as part of their site or building plan.

**§210-11. MASTER SIGN PROGRAM:**

- A. All MTCC's and planned developments, including, but not limited to, office parks, industrial parks, office centers, retail centers, office and limited business structures, and churches and schools which have a campus must have a Master Sign Program if more than one sign will be erected in conjunction with such building, development or center, as defined in this chapter.
- B. An application for a Master Sign Program must first be filed with the Inspection Department, which shall forward it to the Plan Commission for consideration.
- C. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately in accordance with this chapter and in no event shall any recommendation or approval of a Master Sign Program be deemed an approval of or a permission to construct any particular sign under that program. All applications for permits for such individual signs must be filed with the Inspection Department for approval under the terms and conditions of the previously approved Master Sign Program except the application must specify in exact terms any sign characteristics which the Master Sign Program considered in general or non-specific terms or measurements.
- D. The Plan Commission shall hear all requests for the establishment or amendment of a Master Sign Program for an MTCC, make written findings, and approve, modify, approve with conditions, or deny such requests.
- E. A Master Sign Program, as presented to the Plan Commission, shall include the following components:
  1. An aesthetically developed theme on color, size, and style;;
  2. A proposed location of all permanent signs for the building, development, or center, which considers that, where possible, wall signs shall be centered over tenant spaces;
  3. The proposed size of individual signs, which may be expressed in maximums and minimums for purposes of the proposed Master Sign Program;
  4. The following categories of signs may be proposed and permitted.
    - (a) Master identification sign;
    - (b) Tenant identification signs:
      - a. Tenant identification signs at individual tenant entrances in an office center may not exceed four (4) square feet in area if permitted.
      - b. Retail tenants occupying not less than twenty (20) percent of an office and limited business structure with individual entrances to the exterior may be allowed tenant identification similar to tenants in retail centers. In both instances, the area of such signage shall not exceed 1.5 times the lineal front foot of the space occupied;

- (c) Tenant/directory board for an office center or office and limited business structure;
- (d) Entrance markers;
- (e) Traffic directional signs;
- (f) Wall signs for retail centers; and
- (g) Such other signs as requested by the applicant;

5. Nature and characteristics of signage proposed, i.e., individual letters, box, etc.; and

6. Blueprints, drawings, and written policies governing the color, size, style, location and other features of the proposed signs.

F. Review Criteria: The Plan Commission, in its discretion, will consider the following and/or other factors as it deems appropriate.

1. Scale and Proportion:

All signs shall be in scale and proportion in its design and its relationship to other signs, buildings, and surroundings.

2. Integral Elements:

Signs shall be designed as integral architectural elements of the building and the site and not appear as add-ons or intrusions.

3. Harmonious Design:

The colors, materials and lighting of each sign shall be compatible and harmonious with the design of the building and the site.

4. Composition:

The graphic design elements of the sign, including consideration that individual sign letters shall be in direct proportion to the area of the facade of the building or tenant space.

5. Compatibility:

Signs shall be compatible with signs on adjacent properties.

6. Unified Image:

The proposed signs submitted as part of the Master Sign Program review shall provide a unified image for the development.

7. Type and location of the building site.

8. The proposed tenant mix.

9. The size of the development.

G. Master identification signs.

1. The purpose of the master identification sign is to advertise a center. Therefore, for an MTCC a minimum of fifty (50) percent of the sign must be devoted to center identification, rather than individual tenants.

2. Application for a master identification sign must be made to the Building Inspector, who shall forward it to the Plan Commission for consideration. The following entities may make such application:

- a. Retail MTCC or centers of five or more individual tenants or at least fifty thousand (50,000) square feet of building area;
  - b. Office MTCC or centers or five or more tenants having exterior entrances;
  - c. Office parks and industrial parks; and
  - d. Developments that have multiple entry points (ex: churches, schools); where multiple buildings are used, along with multiple uses, and where a need to direct traffic within the campus exists.
3. MTCC's or centers of four or less tenants may not make application for a master identification sign except as provided in subsection G.2.1. of this section.
4. Architecture of Master Identification Signs.
  - (a) Master identification signs must be architecturally integrated with the principal building on the property. The following considerations must be made when designing a master identification sign:
    - [1] The base of the sign must be constructed of masonry products. The tone and texture of the base shall reflect the principal building construction as close as possible. The base of the sign must be equal or larger in width to the sign face.
    - [2] The color scheme of the sign shall follow the color scheme of the principal building.
    - [3] Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the building shall be incorporated into the sign.
    - [4] The sign face shall be constructed of aluminum, masonry or similar products. Polycarbonate backgrounds shall be prohibited, unless this cannot be achieved (i.e. changeable copy), in which case the Plan Commission may approve the sign face upon review.
  - (b). The Plan Commission may approve, deny, or require changes to a sign, based on the architecture of that sign.
5. Area of Master Identification Signs.
  - (a) MTCC's or centers under one hundred thousand (100,000) square feet of building area may be permitted one freestanding sign of no more than one hundred twenty (120) square feet in area for retail and one hundred (100) square feet in area for office, subject to Plan Commission approval.
  - (b) MTCC's or centers between one hundred thousand (100,000) and five hundred thousand (500,000) square feet of building area may be permitted one freestanding sign per arterial street of one hundred twenty (120) square feet in area each, or one sign per building or center of two hundred twenty-five (225) square feet in area ( $150 \times 1.5 = 225$ ), subject to Plan Commission approval.
  - (c) The signage area for MTCC's or centers over five hundred thousand (500,000) square feet of building area shall be determined by the Plan Commission.
6. Master identification signs shall meet open space requirements.
7. The Plan Commission shall not approve any master identification sign greater than fourteen (14) feet in height for retail or for office or mixed use, except for centers over five hundred thousand (500,000) square feet in building area, which height shall be subject to the discretion of the Plan Commission considering the factors set forth in subsection 210-14.4.(b)1. and subsection F. of this section.
8. No freestanding signs other than the master identification sign(s) allowed pursuant to this Section, entrance markers, and traffic directional signs will be permitted for any MTCC or center; provided, however, that any tenant (but not more than two tenants per MTCC or center) occupying one-third or more of the building area of an office MTCC or center may be

identified on such master identification sign, such identification to be subject to all terms, conditions, restrictions and other requirements of this chapter which apply to such sign. If a tenant's name is part of the MTCC or center name, the tenant's name may not be repeated elsewhere on the sign.

9. The Common Council, acting upon recommendation of the Plan Commission, may permit development identification signs to be placed over or above private entry drives, provided structural supports are located outside a vision triangle established by a line drawn 20 feet along the public right-of-way and a line drawn 20 feet perpendicular to the right-of-way along the private drive, both of which commence from the intersection of the private drive and the public right-of-way, and a line connecting the end points of those two lines (forming a triangle).
10. Unless specifically exempted by the provisions of the Master Sign Program for the MTCC, the master identification sign shall conform to all of the sign code requirements (except for those governing number and area) for individual sign types found elsewhere in this chapter.

#### H. Authorized Special Exceptions:

In conjunction with the approval of the Master Sign Program for a MTCC, the Plan Commission may authorize limited special exceptions to the regulations included in this chapter. Such special exceptions will be permitted only when the applicant demonstrates that they are necessary to provide an improved comprehensive solution that is consistent with the purpose as found in section 210-2. of this chapter. The special exceptions permitted are limited to the following:

1. Wall Signs: May deviate from the requirement that wall signs be located with the tenant space or occupancy to which the signs refer.
2. Monument Signs: May vary the number of monument signs, the thirty foot (30') facade setback requirement, the height limitations up to the height of the principal building to which the sign pertains, and the sign area limitations up to the maximum of one hundred fifty (150) square feet per sign (as long as the total permitted sign area for either the occupant or the premises is not exceeded).

### **§210-12. SPECIAL SIGN DISTRICTS:**

#### A. District Designation; Special Circumstances Required:

Specific geographic areas of the city may be designated by ordinance as special sign districts for the purpose of improving the overall appearance of signs in the district when there are special circumstances relating to a geographic area that requires regulation beyond the application of the provisions of this chapter. Examples of these circumstances are:

1. Special Improvement Plans: Certain business or neighborhood areas in the City may have special improvement plans that require unique considerations for signs.
2. Historic or Distinctive Architectural Areas: Certain areas in the City may have a dominant historical or architectural character that requires specialized treatment of signage to ensure compatibility.
3. Major Institutional Campuses: The premises of certain very large institutions, such as hospitals or universities, may have signage needs that are unique.

#### B. Initiating a District:

City Staff, upon the direction of the Common Council, shall initiate the consideration of a special sign district by presenting a request therefore to the Plan Commission, including a recommended coordinated sign program .

### C. Plan Commission Recommendation:

No special sign district will be created by the Common Council without receiving a prior recommendation from the Plan Commission on the suitability of creating such district.

1. Public Hearing: The Plan Commission shall hold a public hearing on the question of forming the proposed special sign district and the recommended coordinated sign program therefore. Notice will be given of the time and place of the public hearing not more than thirty (30) days nor less than fifteen (15) days before the hearing, by publishing a notice thereof at least once in one or more newspapers published in the city, or if no newspaper is published therein, then in one or more newspapers having a general circulation within the city. At the hearing, any party may appear in person or by agent or by attorney.
2. Recommendation: Within thirty (30) days of the close of the required public hearing the Plan Commission shall prepare written findings of fact, and by majority vote, issue to the Common Council a recommendation on the suitability of creating the proposed special sign district and adopting the related coordinated sign program.

### D. Common Council Action:

The Common Council, upon receipt of the recommendation and comments of the Plan Commission and without further public hearing, may approve by ordinance, as recommended or as modified at their determination, or may deny the creation of the special sign district and the adoption of the coordinated sign program for that district.

## **§210-13. RESERVED FOR SPECIAL SIGN DISTRICTS**

## **§210-14. ADMINISTRATION AND PERMIT ISSUANCE:**

### A. Building Inspector:

The Building Inspector shall administer this chapter.

### B. Permit Approval Procedure:

All signs for which a permit is required must receive that permit prior to being constructed, erected, altered, enlarged, remodeled, relocated. The following procedures must be followed for approval of a permit:

1. Complete Application: A permit application must be submitted to the Inspection Department. No application will be accepted until it is complete, including all necessary fees, bonds, and evidence of ownership or authorization as described below in this section.
2. Permit Review: Once an application is accepted as complete, the Building Inspector shall direct an examination of the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed, or will request additional plans and information if necessary to determine conformance. The Building Inspector will also determine whether the application is subject to Plan Commission review or review by the Architectural Review Board.
3. Sign Approval Authority: Sign types specified below in this subsection may be issued permits following administrative review by the Building Inspector, who, at his discretion, may require approval by the Plan Commission or Architectural Review Board prior to permit issuance for any such application. All other signs are subject to Architectural Review Board approval or Plan Commission approval prior to permit issuance as follows: the Plan Commission shall have jurisdiction over all signs which are accessory to a development approval for which the Plan Commission has review authority, including applications for a subdivision plat, a certified survey map, a planned development district, a special use permit, site plan applications as a part of such site plan applications and for MTCC's; the Architectural Review Board shall have jurisdiction over



all signs which are not otherwise specified for review by the Building Inspector or the Plan Commission in this subsection. Signs which the Building Inspector may administratively approve include:

- (a) Sign applications which involve only a change of sign content; and
- (b) Sign applications which involve only a similar replacement sign.

4. Permit issuance.

(a) Building Inspector Duties:

- (1) Applications falling under the authority granted the Building Inspector by Section 210-14 B.3.: If the Building Inspector determines the proposed sign or signs to be in conformance with this and other applicable chapters of the Municipal Code, the Building Inspector will proceed to administratively issue a sign permit. If the Building Inspector determines the proposed sign or signs are not in conformance with this and/or other applicable chapters of the Municipal Code, the permit will either be denied or be granted approval conditional upon full conformance. In accordance with 210-14 B.3. the Building Inspector may forward the application to the Plan Commission or Architectural Review Board for their consideration, which subsequent approval is therefore required prior to issuance of the permit.
- (2) Applications falling under the authority of the Plan Commission: Applications for Plan Commission review shall be forwarded by the Building Inspector to the City Development Department as staff support to the Plan Commission when the Building Inspector reasonably believes the application to be complete. Such action by the Building Inspector shall not be an administrative determination of completeness of the application or that the proposed sign or signs are not in conformance with this and/or other applicable chapters of the Municipal Code.
- (3) Applications falling under the authority of the Architectural Review Board: Applications for Architectural Review Board consideration shall be forwarded to the Architectural Review Board by the Building Inspector, as staff support to the Architectural review board with a recommendation as to whether the sign or signs are in conformance with this and/or other applicable chapters of the Municipal Code.

(b) Plan Commission and Architectural Review Board Duties:

- (1) The Plan Commission and Architectural Review Board in considering applications shall consider the conformance with this and/or other applicable chapters of the Municipal Code; the purpose of such sign advertising, message or communication; the appearance, location, lighting, height and size of such sign structures; safety of operators of vehicles upon the adjoining streets and highways; the effect of such sign structure with respect to the scenic beauty of the vicinity in which such structure is proposed to be located and the effect upon the aesthetics of and visual harmony with the vicinity; the effect of such structure and advertising with respect to the enforcement of federal and State laws and County and City ordinances; the effect of such structure with respect to the danger to human life because of falling or combustibility; the effect of such structure and advertising with respect to the prevention of crime and the general public welfare, morals and the conserving of the taxable value of lands and buildings located within the city and in the immediate area adjacent to the proposed location of such structure.
- (2) The Plan Commission or the Architectural Review Board will approve, approve with modifications, or deny the sign application upon considering the standards in subsection (1)

above. The Plan Commission or the Architectural Review Board shall issue written findings, or authorize staff to issue written findings, as to the basis for the denial.

(3) Upon notice of Plan Commission or Architectural Review Board approval, the Building Inspector will issue the permit.

5. Permit Approval: Any approval given by the Plan Commission, the Architectural Review Board, or the Building Inspector is valid for 180 days. If an approved permit is not obtained within the 180 days, the approval becomes null and void, and a new application and payment of fees is required. Re-approval is not guaranteed. The new application is subject to reconsideration by the Plan Commission or the Architectural Review Board which will approve, approve with modifications, or deny the sign application upon considering the standards in subsection (1) above, with any such re-approval valid for 180 days after which, if said permit was not obtained, the approval becomes null and void.
6. Permit Denial: If the proposed sign does not conform with this or other applicable chapters of the Municipal Code, or the sign requires and fails to receive Plan Commission or Architectural Review Board approval, the Building Inspector will, on the basis of written findings, deny the sign application.
7. Permit Expiration: If the work authorized under a sign permit has not been completed within one year after the date of issuance, the permit is null and void.

#### C. Permit Application:

Application for permits to erect, construct, or alter a sign must be submitted on a form and in the manner prescribed by the Building Inspector. Each application must be signed by the owner of the sign and the owner of the property upon which it is to be located. Applications for permits must be accompanied by such information as may be required to assure compliance with all applicable regulations, including:

1. Name, address and telephone number of the applicant; the property owner;
2. A plat of survey done by a registered land surveyor indicating the location of sign(s), buildings, and structures on the lot to which or upon which the sign or advertising structure is to be erected. The applicant is required to have a surveyor stake the location of sign on the site prior to sign installation;
3. Two (2) color drawings of the sign. Details of the proposed sign or advertising structure, including the methods of construction and attachment to the buildings or in the ground, drawn at a scale not less than ½ inch equals one foot. Such plans must include all text and graphics proposed on the sign, drawn to scale with dimensions;
4. When required by the Building Inspector, a copy of structural calculations showing that the sign structure is designed to comply with structural load and wind loading as required by this chapter and all other applicable chapters of the Municipal Code;
5. When required by the Building Inspector, name of person, firm, corporation or association responsible for erecting the sign or advertising structure;
6. An application for electrical permit shall be made for the sign;
7. The construction and installation value of the sign;
8. Documentation of all existing signs on the property, including their type and sign area, location, and the occupant of the site to which each sign pertains;
9. The location, type, and sign area of any other signs proposed to be located on the property; and

10. Any additional information as the Building Inspector shall require showing full compliance with this and all other applicable chapters of the Municipal Code.

**D. Mobile Sign Permit Applications:**

Applications for mobile sign permits must be accompanied by such information as may be required to assure compliance with all applicable regulations, including those listed in paragraphs 1., 2., 3., 4. and 6. of subsection C. of this section.

**E. Application and Permit Fee Schedules:** Sign permit fees shall be the total of three fee components: a non-refundable base application fee, a sign type fee (if applicable), and a sign area fee. Additionally, special service fees may apply. The following are the related fee schedules applicable to sign permits.

1. The Non-Refundable Base Application Fee is \$40.00 and applies to all permits or program applications except applications for mobile signs.
2. Sign Type Fee Schedule

SIGN TYPE	Fee
Illuminated signs	50.00 in addition to other fees
Mobile signs	25.00
New Master Sign Program	50.00

3. Sign Area Fee Schedule

Total Square Footage of Sign	Permit Fee
0 through 8 square feet	35.00
8+ through 50 square feet	50.00
50+ through 100 square feet	100.00
100+ through 150 square feet	150.00
Greater than 150 square feet	150.00 plus 100.00 for each additional 50 sq. ft.

4. Special Service Fee Schedule\

SPECIAL SERVICE FEE SCHEDULE	Fee
Amendment or exception to an existing coordinated sign program	50.00
Reinspection	50.00
Failure to call for reinspection	40.00
Variances or appeals	150.00

5. The applicant shall pay an application fee for each sign in accordance with the adopted fee schedules. If the sign is not approved and no permit is to be issued, or if the sign is approved but no permit is obtained, the application fee will be retained by the City to cover the costs of processing the application.
6. Every applicant, before being issued a permit, shall pay all necessary fees for as set forth in the fee schedule. Permit fees are due upon permit approval for all signs.
7. Where work for which a permit is required by this chapter is begun before a permit has been obtained, all fees specified above will be doubled. The payment of such doubled fee does not relieve any person from complying fully with the requirements of this chapter in the execution of the work or from any penalties prescribed herein.
8. The City of Franklin is exempt from all fees imposed under this chapter.

**F. Pre-Installation Inspection:**

The person responsible for the installation of a sign shall schedule with the Building Inspector a pre-installation inspection prior to installing any sign requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement.

**G. Final Inspection:**

The person responsible for the installation of a sign must notify the Building Inspector upon completion of the work for which a permit is required to schedule a final inspection.

**H. Permit Expiration:**

If the work authorized and required under a permit, including notifying the City and passing a final inspection, has not been completed within one year of the date of issuance, the permit shall expire.

**I. Denial or Revocation:**

All rights and privileges acquired under the provisions of this chapter, or any amendment thereto, are deemed mere licenses which may be denied, suspended, or revoked any time for cause by the Building Inspector. All sign permits are subject to this section. The Building Inspector is authorized and empowered to deny, suspend, or revoke any permit upon failure of the permit holder to comply with any provision of this chapter or whenever the permit is issued on the basis of a misstatement of fact or fraud. The Building Inspector shall refuse to issue any further permit to any such party or owner, or their agents or representatives, who is in violation of the requirements of this chapter, or refuses to pay costs assessed for corrective action under the provisions of this chapter.

**§210-15. DESIGN, CONSTRUCTION, AND SAFETY SPECIFICATIONS:**

- A. Wind Pressure and Dead Load Requirements.** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required in the building code or other ordinances of the City.

**B. Support:**

1. Signs that are exempt from monument sign requirements:
  - (a) Vertical supports shall be driven into or set in the soil or rigidly attached to bases imbedded in the soil. There shall be two or more such vertical supports, except that a sign that does not

exceed 50 square feet in area may be supported by a single vertical support. When approved by a registered engineer, one vertical support is acceptable.

- (b) The vertical members or bases for vertical members, supporting unbraced ground signs, must be proportioned so the bearing loads imposed upon the soil in either a horizontal or vertical direction do not exceed safe values. Braced signs and billboards must be anchored to resist wind pressure acting in any direction. Anchors and supports must be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25% greater than the required resistance to overturning.
- (c) Wood posts in the soil used to support ground signs that are to remain in place for more than six months, shall be constructed of pressure treated or decay resistant lumber.

#### C. Illuminated Signs:

Illuminated signs are subject to the following requirements:

##### 1. External Illumination:

A building or structure, along with signs, awnings, and canopies attached to the building or structure, may be illuminated externally, but all lighting used for this purpose must be designated, located, shielded, and maintained in such a manner that the light source is fixed and not directly visible from any adjacent public rights-of-way or surrounding premises.

##### 2. Internal Illumination:

Internally illuminated signs shall permit light to shine fully through only the sign face and graphic elements of the sign. The background for such lettering and graphics must be opaque or translucent. If translucent, it must transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the sign face or graphic elements and background does not permit adequate legibility, a translucent white border of up to one inch (1") in width may be placed around said lettering or graphic elements.

##### 3. Brightness Limitation:

In no instance shall the lighting intensity of any sign, exceed:

- (a) Seventy five (75) foot-candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
  - (b) In a residential zoning district, fifty (50) foot-candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
  - (c) One tenth (0.1) foot-candle at the property line, measured three feet (3') above the surface of the ground.
4. Glare: Illumination shall be designed, located, installed, shielded, and directed so as to prevent the casting of glare, reflection, or direct light upon any adjacent property or onto a any public rights-of-way to create a traffic hazard as determined by the Department of City Development

#### D. Obstruction of Exits:

No sign or advertising structure shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign shall interfere with any opening required for ventilation.

### **§210-16. MAINTENANCE AND REMOVAL OF SIGNS:**

#### A. Regular Inspections:

The Building Inspector may direct inspections of each sign and advertising structure for the purpose of ascertaining whether the sign is secure, whether it is in need of removal or repair, and whether it is in compliance with the provisions of this chapter.

**B. Maintenance and Repair:**

Each sign, including those specifically exempt from the permit requirements of this chapter, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The Building Inspector shall have the authority at any time to inspect and order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or change in local conditions. The Building Inspector will follow the procedure of notification concerning such maintenance or removal as outlined in subsection E. of this section.

**C. Obsolete or Abandoned Signs:**

Where the Building Inspector finds any sign now or hereafter existing, which is obsolete or which sign is abandoned, he shall proceed to obtain the removal of such sign pursuant to the procedures set forth in subsection E. below.

**D. Unsafe and Unlawful Signs:**

1. Where the Building Inspector finds that any sign or advertising structure is unsafe or a nuisance to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this chapter, he shall proceed to obtain the removal of such sign pursuant to the procedures set forth in subsection E. below.

2. Without respect to the requirements of 1. above, any sign in violation of Section 210-7. "Prohibitions" shall be deemed unsafe and unlawful and may be removed without notice by the Building Inspector or Police Department.

**E. Removal of Signs:**

1. The Building Inspector is authorized to remove any illegal sign as defined by this chapter.

2. Before taking action to require removal of any illegal sign, the Building Inspector shall give a written compliance notice to the holders of the permit for the sign or, if no permit has been issued, to the owner(s) of the premises on which such sign is located and to the lessee(s) of the premises to which such sign pertains. The notice shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign with reasonable definiteness, and the violations charged, if any. Such notice shall specify what repairs, if any, will make the sign conform to the requirements of this chapter and specify that the sign must be removed or made to conform to the provisions of this chapter within the compliance period provided below. Service of notice shall be made on the parties specified above as follows:

(a) By delivering personally copies of the notice to the parties; or

(b) By leaving a copy of the notice with any person in charge of the premises; or

(c) In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of copies of the notice to the post office addresses of the holders of the permit as specified in the application for the permit, if any, or to the last known post office addresses of the parties specified above.

3. Compliance Period.

- (a) The compliance period for permanent signs shall be ten days.
  - (b) The compliance period for mobile signs shall be forty-eight (48) hours.
  - (c) The Building Inspector may grant one 180 day extension of time for compliance for the removal of an obsolete sign upon the written request signed by the owner(s) of the premises on which such sign is located and any lessee(s) of the premises to which such sign pertains, showing that the bona fide and reasonable purpose of the request is to allow for the use of the sign by a subsequent owner or lessee of the premises; the 180 day period shall commence on the date of the event, condition or other fact causing the sign to become obsolete.
4. Re-erection of any sign or any substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuance of the original violation.
  5. If the holders of the permit or the owner(s) and lessee(s) of the premises upon which the sign is located have not demonstrated to the satisfaction of the Building Inspector that the sign has been removed or brought into compliance with the provisions of the chapter by the end of the compliance period, the Building Inspector, with the concurrence of the City Attorney, shall issue municipal citations to the owner and/or tenant.
  6. Removal. The Building Inspector is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the Building Inspector shall be borne by the holders of the permit or, if no permit had been issued, by the owner(s) of the premises on which the sign is located and the lessee(s) of the premises to which such sign pertains. All amounts due here under shall also constitute a special charge which may be levied upon a subsequent tax roll. All such parties shall be jointly and severally liable for such cost and expense and subject to the penalties provided by the provisions of this chapter.
- F. In addition to the above, violators shall be subject to the penalty provisions of Chapter 1-19. of the Municipal Code.

## **§210-17. NONCONFORMING SIGNS:**

### **A. Legal Nonconforming Signs:**

Any sign, affixed to the ground or to a building, legally located within the City on the date of adoption of this chapter, which does not conform to the provisions of this chapter is a "legal nonconforming" sign and is permitted, providing it also meets the following requirements:

1. Proper Permits: The sign was erected or installed under authority of proper sign permits prior to the date of adoption of this chapter, if one was required under applicable code or law; or
2. No Permit Required: If no sign permit was required under applicable code or law for the sign in question and the sign was in all respects in compliance with applicable code or law on the date of adoption of this chapter.

### **B. Unlawful Nonconformance:**

Any sign which does not conform to the provisions of this chapter and is not a legal nonconforming sign is unlawful. The sign shall be brought into compliance with this chapter or be removed within thirty (30) days of the adoption of this chapter, upon written notification of such unlawful nonconformance by the Building Inspector.

### **C. Loss of Status:**

When a sign loses its legal nonconforming status, the sign must be immediately brought into compliance with this chapter and a new permit secured, or must be removed within thirty (30) days of that date. A sign loses its legal nonconforming status if one or more of the following occurs:

1. Sign Altered: The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration;
2. Sign Content Changed: The sign content is changed in any way, except for normal maintenance or repair that does not increase the nonconformity;
3. New Occupancy Permit: A change in use occurs which requires a new occupancy permit for the premises to which a legal nonconforming sign relates;
4. Sign Relocated: The sign is relocated on the premises;
5. Sign Unsafe: The sign fails to conform to the sections of this chapter regarding maintenance and operation and public safety standards;
6. Sign Damaged: Damage occurs to a sign which requires repairs exceeding fifty percent (50%) of the replacement value of the sign; or
7. Excessive Maintenance Costs: Maintenance is required which will exceed fifty percent (50%) of the replacement value of the sign.

D. Inventory of Existing Signs:

Upon adoption of this chapter the Building Inspector shall conduct an inventory of signs within the City to establish a benchmark evidencing the existence of all signs subject to regulation under this chapter. Such inventory shall include a photographic or video recording and location.

E. Continuing Obligation:

Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face or sign content in such a way which makes the sign more nonconforming.

**§210-18. APPEALS FROM DECISIONS OF BUILDING INSPECTOR, PLAN COMMISSION, AND ARCHITECTURAL REVIEW BOARD:**

A. Notification to Aggrieved Party:

It is the responsibility of the Building Inspector to provide written notification to the aggrieved party of an action denying a permit. Said notice shall include the following:

1. The date and specific reason for denial of the permit.
2. All forms and procedures required for filing an appeal.

B. Petition for Appeal:

An appeal may be taken to the Board of Zoning and Building Appeals by any person aggrieved by an order, requirement, decision, determination, or interpretation of the Building Inspector, the Plan Commission or the Architectural Review Board acting with respect to the authority of this chapter.

1. Application Deadline: An appeal must be filed within thirty (30) calendar days after notification of the alleged erroneous order, requirement, decision, determination, or interpretation.



2. Application Form: An appeal must be filed in writing with the Inspection Department on a form supplied by it. It must be accompanied by such documents and information as the Board of Zoning and Building Appeals may by rule require.
3. Filing Fee: Each appeal to the Board of Zoning and Building Appeals must be accompanied by the required filing fee.

C. Transmittal of Record:

The Building Inspector shall, at the time of filing an appeal, forthwith transmit to the Board of Zoning and Building Appeals all of the documents constituting the record upon which the action appealed from was taken.

D. Effect of Appeal:

The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning and Building Appeals after the appeal has been filed that, by reason of the facts stated in the application, a stay would in the Building Inspector's opinion cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by the Common Council or by a court of competent jurisdiction, and then only if due cause can be conclusively shown.

E. Action of the Board:

The Board of Zoning and Building Appeals shall hold a public hearing on an appeal within thirty (30) days of receipt of a completed written application.

1. Hearing Notice: Notice will be given of the time, place, and purpose of the public hearing by class 1 publication.
2. Required Attendance: Both the aggrieved petitioner and the Building Inspector or their authorized representatives shall attend the meetings of the Board at which the appeal is to be heard.
3. Decision: Within fifteen (15) working days of the close of the required public hearing of the appeal, the Board shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said appeal.

F. Maintenance of Records:

The Building Inspector shall maintain complete records of all findings and decisions of the Board of Zoning and Building Appeals relative to an appeal. All such records are open to the public for inspection.

**§210-19. VARIANCES:**

A. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling its purpose. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the City's Comprehensive Master Plan or relevant portions thereof.

B. Procedure.

1. Any applicant who desires a variance from any provision or requirement of this chapter may request an oral hearing before the Board of Zoning and Building Appeals by submitting a written request therefore to the Building Inspector not less than ten days before the next regularly scheduled meeting of the Board. A fee as set forth in Section 210-14 E.4. (\$150.00) shall be required of the applicant at the time that a request for a hearing before the Board is made.
2. The Board of Zoning and Building Appeals shall review such requests for variances using the following criteria:

- (a) Area Enhancements.
    - i. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
    - ii. The proposed sign is unique and of exceptional design or style so as to enhance the area.
  - (b) Site Difficulties. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.
3. Should the Board of Zoning and Building Appeals find that a variance should be granted, the application will be forwarded to the Building Inspector with directions to issue a permit in accordance with its decision. If the Board finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing, within ten days of the date of such decision. It is the intent of this section to permit variances from the requirements of this chapter only so as to achieve parity among signs similarly located and classified.

**§210-20. REVOCATION FOR CAUSE:**

All rights and privileges acquired under the provisions of this chapter, or any amendment thereto, are deemed mere licenses revocable at any time for cause by the Building Inspector. The Building Inspector is authorized and empowered to revoke any permit upon failure of the permit holder to comply with any provision of this chapter.

**§210-21. PENALTY:**

A. Penalties established.

Any person found to have violated the provisions of the sign regulations adopted by the City shall be subject to §1-19. Penalty Provisions of the Franklin Municipal Code.

B. Cumulative violations.

Each day a provision of this chapter is found to have been violated constitutes a separate violation.

C. Penalties not limited.

The penalties provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation. The penalties provided herein are in addition to all other legal and equitable remedies which may be available to the City.

**§210-22. SEVERABILITY:**

In accordance with the following, it is hereby declared that the several provisions of this chapter are separable:

A. Provision of Ordinance:

If any court of competent jurisdiction determines any provision of this chapter to be invalid, such determination shall not affect any other provision of this chapter not specifically included in the court's judgment order.

B. Any Particular Sign:

If any court of competent jurisdiction determines any provision of this chapter to be invalid as applied to any particular sign, such determination shall not affect the application of such provision to any other sign not specifically included in the court's judgment order.